

December 16, 2014

STAFF REPORT

Community Development Department

RE: Zoning Changes for Public Hearing

Public Worksessions: August 5, 2014, August 26, 2014, September 23, 2014, October 28, 2014, November 18, 2014

Public Hearings: December 16, 2014

Board Action: TBD

The Planning Board has discussed the following changes to Milford's Zoning Ordinance. At the Public Hearing the Planning Board will open each item for discussion with the public. Once public discussion has ended the Board can decide to make changes to items listed below (have further worksessions and public hearings), **OR** vote to **post** the proposed amendment

A. 4.01.0 Definitions

Revise the following definition from Article IV: Definitions:

- **Groundwater:** *Subsurface water that occurs beneath the water table in soils and geologic formations. [NH RSA 485-C, Groundwater Protection Act] (2015)*
- **Manufactured Housing:** *A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured housing does not include a recreational vehicle. Generally, manufactured homes must meet the same requirements as stick built or conventional housing. Because they are usually residential buildings, they must be elevated so that the lowest floor is above the Base Flood Elevation (BFE). (2015)*

Delete the following definition from Article IV: Definitions:

- **Animal Feed Lot:** Land on which livestock is kept for the purpose of feeding.
- **Independent Senior Housing Units:** Dwelling units for persons fifty-five (55) years of age and older. (2011)
- **Leachable Wastes:** Waste materials including solid wastes, sewage, sludge, and agricultural wastes that are capable of releasing waterborne contaminants to the surrounding environment.

B. District Uses and Definitions

- **5.02.0 Residence "A" District:**
5.02.2.A.12 Remove 'Senior Housing Developments' (as either an acceptable use or special exception as this use is no longer applicable)
- **5.03.0 Residence "B" District:**
5.03.1.E Remove 'Senior Housing Developments' (as either an acceptable use or special exception as this use is no longer applicable)
- **5.05.0 Commercial "C" District:**
5.05.1.V Remove 'Senior Housing Developments' (as either an acceptable use or special exception as this use is no longer applicable)
- **5.07.0 Limited Commercial Business "LCB" District:**
5.07.1.K Remove 'Senior Housing Developments' (as either an acceptable use or special exception as this use is no longer applicable)

- **5.08.0 Integrated Commercial Industrial “ICI” District:**

5.08.2.6 Remove ‘Senior Housing Developments’ (as either an acceptable use or special exception as this use is no longer applicable)

C. 6.02.0 Wetlands Conservation District

Amend 6.02.4 Definitions

- **Amend Surface water:** *Streams, lakes and ponds, including marshes, watercourses and other bodies of water, natural or artificial. [NH RSA 485-A:2 XIV] (to be consistent with the state definition used in Section 6.01.1.B Groundwater Protection District)*

D. 6.03.0 Floodplain Management

Amend 6.03.2 Definitions

- **Remove Manufactured Home:** Any structure, transportable in one or more sections, which, when in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) sq. ft. or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained herein. Manufactured housing as defined in this section does not include pre-site built housing as defined in NH RSA 674:31-A or recreational vehicles as defined in this code (See Pre-site Housing). (1995)
- **Add Manufactured Housing:** *A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle. Generally, manufactured homes must meet the same requirements as stick built or conventional housing. Because they are usually residential buildings, they must be elevated so that the lowest floor is above the Base Flood Elevation (BFE). (To be consistent with the National Flood Insurance Program (NFIP) Policy Index.)*

E. 6.04.0 Open Space Conservation District

Revise 6.04.5.C

‘Of the minimum required Open Space fifty (50) percent must consist of non-wetland soils and soils with slopes less than twenty-five (25) percent. The remaining fifty (50) percent may consist of a mix of high value natural resources as listed in D.1 below and buildable land.

F. Administrative Relief

Revise 10.06.0

EXPIRATION (2015)

If within two (2) years after the granting of a variance or special exception by the Board of Adjustment, none of the work required by a building permit covered by a variance or special exception has been executed, then such variance or special exception shall become null and void except in any case where legal proceedings relative to the variance or special exception shall have caused an undue delay in the execution of the required building permit. Only one, six-month extension may be granted for any variance or special exception. The applicant may apply for the extension at a regularly scheduled Zoning Board meeting.

(Revision to bring Zoning Ordinance into compliance with a 2013 RSA change)